

REMARKS

Claims 26-66 are currently pending in the subject application. Claims 32-36 and 51-66 are allowed. Claims 26-31 and 37-50 stand rejected.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

Rejection of Claims 26-31 and 37-50 Under 35 U.S.C. §101

Claims 26-31 and 37-50 stand rejected as allegedly being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least reasons discussed below.

As held by the Federal Circuit, “an applicant may show that a process claim satisfies § 101 ... by showing that his claim is tied to a particular machine” In re Bilski, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008). Independent claim 26 clearly meets this test. Specifically, claim 26 recites “A method of making symbol timing adjustments *in a communications device including a transmitter* ... ” (emphasis added). Claim 26 is therefore statutory, as are claims 27-31 for at least the reason that they depend on claim 26.

Similarly, independent 37 is likewise statutory for at least the reason that claim 37 is tied to a particular machine. Specifically, claim 37 recites “A method for adjusting symbol timing in *a first communications device in an Orthogonal Frequency Division Multiplexing system*” (emphasis added), as well as “adjusting the symbol timing of *a transmitter in said first communications device*” (emphasis added). Accordingly, claim 37 is statutory, as are claims 38-50 for at least the reason that they depend on claim 37.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

By: /Milan Patel/_____
Milan Patel
41,242
(858) 651-6892

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502